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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KELLY PATTERSON, individually,
 Plaintiff,

Case No: 2:23-cv-00539-RFB-DJA

vs.

LAS VEGAS METROPOLITAN POLICE
 DEPARTMENT, a political subdivision of
 the State of Nevada; CITY OF LAS VEGAS,
 a municipal governmental entity and a
 political subdivision of the State of Nevada;
 OFFICER S. SALAZAR, an individual; JOE
 LOMBARDO, an individual and DOE
 OFFICERS I-XX,

Defendants.

STIPULATION AND ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER DEADLINES

(THIRD REQUEST)

Plaintiff Kelly Patterson (“Plaintiff”), by and through his counsel of record, Stephen P. Stubbs, Esq., Defendants, the Las Vegas Metropolitan Police Department (the “Department” or “LVMPD”), Officer S. Salazar (“Salazar”), and Joseph Lombardo (“Lombardo”), collectively (“LVMPD Defendants”), by and through their counsel of record, Craig R. Anderson, Esq. and Jackie V. Nichols, Esq., of Marquis Aurbach, and Defendant City of Las Vegas (the “City”), by and through their counsel of record, Bryan K. Scott, Esq. and Rebecca L. Wolfson, Esq., of City Attorney’s Office, hereby stipulate and agree to extend the Discovery Plan and Scheduling Order deadlines based on the schedule below. This Stipulation is being entered in good faith and not for purposes of delay (supplemented information noted in **bold-face** type).

I. STATUS OF DISCOVERY.

A. PLAINTIFF'S DISCOVERY.

1. Plaintiff's Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1(a)(1) dated June 15, 2023.

2. Plaintiff Patterson's First Set of Requests for Admissions to City of Las Vegas dated June 30, 2023.

3. Plaintiff Patterson's First Set of Requests for Admissions to Joe Lombardo dated June 30, 2023.

4. Plaintiff Patterson's First Set of Requests for Production of Documents to Joe Lombardo dated June 30, 2023.

5. Plaintiff Patterson's First Set of Interrogatories to Joe Lombardo dated June 30, 2023.

6. Plaintiff Patterson's First Set of Requests for Admissions to Officer Salim Salazar dated June 30, 2023.

7. Plaintiff Patterson's First Set of Requests for Production of Documents to Officer Salim Salazar dated June 30, 2023.

8. Plaintiff Patterson's First Set of Requests for Admissions to LVMPD dated June 30, 2023.

9. Plaintiff Patterson's First Set of Requests for Production of Documents to LVMPD dated June 30, 2023.

10. Plaintiff Patterson's First Set of Interrogatories to LVMPD dated June 30, 2023.

11. Plaintiff Patterson's Responses to LVMPD's First Set of Requests for Admissions dated August 15, 2023.

12. Plaintiff Patterson's Answers to LVMPD's First Set of Interrogatories dated August 15, 2023.

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1 13. Plaintiff Patterson's Responses to LVMPD's First Set of Requests for Production
2 dated August 17, 2023.

3 14. Plaintiff's First Supplemental Disclosure of Witnesses and Documents Pursuant to
4 FRCP 26.1(a)(1) dated August 17, 2023.

5 15. Plaintiff Patterson's Second Set of Interrogatories to LVMPD dated August 30,
6 2023.

7 16. Plaintiff Patterson's Second Set of Requests for Admissions to LVMPD dated
8 August 30, 2023.

9 17. Plaintiff Patterson's Second Set of Requests for Production of Documents to
10 LVMPD dated August 30, 2023.

11 18. Plaintiff's Second Supplemental Disclosure of Witnesses and Documents Pursuant
12 to FRCP 26.1(a)(1) dated August 30, 2023.

13 19. Plaintiff Patterson's Designation of Expert Witness dated September 1, 2023.

14 20. Plaintiff's Third Supplemental Disclosure of Witnesses and Documents Pursuant to
15 FRCP 26.1(a)(1) dated September 15, 2023.

16 **B. LVMPD DEFENDANTS' DISCOVERY.**

17 1. LVMPD Defendants' Initial Disclosure of Witnesses and Documents Pursuant to
18 FRCP 26.1(a)(1) dated June 15, 2023.

19 2. LVMPD's First Set of Interrogatories to Plaintiff Kelly Patterson dated July 19,
20 2023.

21 3. LVMPD's First Set of Requests for Production of Documents to Plaintiff Kelly
22 Patterson dated July 19, 2023.

23 4. LVMPD's First Set of Requests for Admissions to Plaintiff Kelly Patterson dated
24 July 19, 2023.

25 5. LVMPD Defendants' First Supplemental Disclosure of Witnesses and Documents
26 Pursuant to FRCP 26.1(a)(1) dated August 2, 2023.

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1 6. LVMPD's Responses to Plaintiff Kelly Patterson's First Set of Requests for
2 Admissions dated August 2, 2023.

3 7. Joe Lombardo's Responses to Plaintiff Kelly Patterson's First Set of Requests for
4 Admissions dated August 2, 2023.

5 8. Joe Lombardo's Answers to Plaintiff Kelly Patterson's First Set of Interrogatories
6 dated August 2, 2023.

7 9. Joe Lombardo's Responses to Plaintiff Kelly Patterson's First Set of Requests for
8 Production of Documents dated August 2, 2023.

9 10. Salim Salazar's Responses to Plaintiff Kelly Patterson's First Set of Requests for
10 Production of Documents dated August 2, 2023.

11 11. Salim Salazar's Responses to Plaintiff Kelly Patterson's First Set of Requests for
12 Admissions dated August 2, 2023.

13 12. LVMPD's Answers to Plaintiff Kelly Patterson's First Set of Interrogatories dated
14 August 2, 2023.

15 13. LVMPD's Responses to Plaintiff Kelly Patterson's First Set of Requests for
16 Production of Documents dated August 2, 2023.

17 14. LVMPD Defendants' First Supplemental Disclosure of Witnesses and Documents
18 Pursuant to FRCP 26.1(a)(1) dated August 2, 2023.

19 15. LVMPD Defendants' Second Supplemental Disclosure of Witnesses and
20 Documents Pursuant to FRCP 26.1(a)(1) dated October 2, 2023.

21 16. LVMPD's Amended Answers to Plaintiff Kelly Patterson's First Set of
22 Interrogatories dated October 2, 2023.

23 17. LVMPD's Answers to Plaintiff Kelly Patterson's Second Set of Interrogatories
24 dated October 2, 2023.

25 18. LVMPD's Responses to Plaintiff Kelly Patterson's Second Set of Requests for
26 Production of Documents dated October 2, 2023.

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19. LVMPD's Responses to Plaintiff Kelly Patterson's Second Set of Requests for Admissions dated October 2, 2023.

20. LVMPD's Supplemental Answers to Plaintiff Kelly Patterson's Second Set of Interrogatories dated October 4, 2023.

21. Joe Lombardo's Amended Answers to Plaintiff Kelly Patterson's First Set of Interrogatories dated October 5, 2023.

22. LVMPD Defendants' Rebuttal Expert Witness Disclosure dated October 6, 2023.

23. LVMPD's Second Amended Answers to Plaintiff Kelly Patterson's First Set of Interrogatories dated October 16, 2023.

24. LVMPD's Supplemental Responses to Plaintiff Kelly Patterson's Second Set of Requests for Production of Documents dated October 16, 2023.

C. DEFENDANT City of Las Vegas' DISCOVERY.

1. City of Las Vegas' Answers to Plaintiff Kelly Patterson's First Set of Requests for Admissions dated July 31, 2023.

2. City of Las Vegas' First Set of Requests for Admission to Plaintiff Kelly Patterson dated September 21, 2023.

3. City of Las Vegas' First Set of Requests for Production of Documents to Plaintiff Kelly Patterson dated September 21, 2023.

4. City of Las Vegas' First Set of Interrogatories to Plaintiff Kelly Patterson dated September 21, 2023.

D. DEPOSITIONS.

1. Plaintiff deposed Conrad Hafen on July 15, 2023.

2. Plaintiff deposed Sergeant Andrew Bauman on October 3, 2023.

3. Plaintiff deposed Officer Maglich on October 5, 2023.

4. LVMPD Defendants' deposed Plaintiff Kelly Patterson on October 16, 2023.

5. Plaintiff deposed Officer Salazar on October 19, 2023.

6. LVMPD Defendants deposed Plaintiff's Expert, Craig Wetterer, Ph.D. on October 20, 2023.

7. Plaintiff deposed LVMPD's 30(b)(6) designee on October 30, 2023.

8. Plaintiff conducted a partial deposition of Liesl Freedman on December 11, 2023 from 9am to 1pm. Because of objections, only 1 hour and 40 minutes of the 3 hour deposition was conducted in that time period. The deposition ended at 1pm, and continued to December 28, 2023, because Liesl Freedman needed to attend a meeting regarding the recent UNLV shooting.

9. Plaintiff deposed Lt. Humel on December 20, 2023.

10. Plaintiff deposed Lt. Gordon on December 20, 2023.

11. Plaintiff deposed Sgt. Ralston on November 20, 2023.

12. Plaintiff will depose LVMPD's expert witness, Jack Ryan, on December 27, 2023

13. Plaintiff will continue the deposition of Liesl Freedman on December 28, 2023.

II. DISCOVERY THAT REMAINS TO BE COMPLETED.

The Parties are actively conducting discovery. For the reasons explained below, the Parties will need additional time to conduct limited discovery, including but not limited to:

1. Discovery regarding Joe Lombardo is currently stayed by Court and the parties are waiting on the Court's response to Joe Lombardo's Motion to Dismiss to plan and conduct discovery, when and if the Court's stay is lifted.

2. Plaintiff needs to depose the City of Las Vegas's 30(b)(6) designee. After multiple meet and confers on appropriate 30(b)(6) topics, the Parties could not agree on appropriate 30(b)(6) subjects and agreed to postpone this deposition while the City filed a motion for protective order. The City of Las Vegas filed their motion for protective order on December 11, 2023, and it is pending before this Court. Plaintiff's response is due by December 25, 2023, and

1 the Parties have agreed to delay the deposition of the City's 30(b)(6) designee until the Court
2 decides this motion.

3 3. The Parties are working through disagreements on outstanding written discovery.

4 4. Depending on the answers received in Liesl Freedman's December 27, 2023
5 deposition, Plaintiff may need to conduct additional depositions and/or written discovery.
6

7 **III. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY.**

8 Pursuant to Local Rule 26-3, the Parties submit that good cause exists for the extension
9 requested. This is the first request for an extension of discovery deadlines in this matter. The
10 Parties acknowledge that, pursuant to Local Rule 26-3, a stipulation to extend a deadline set forth
11 in a discovery plan must be submitted to the Court no later than 21 days before the expiration of
12 the subject deadline, and that a request made within 21 days must be supported by a showing of
13 good cause.
14

15 Due to the pending motions before this Court, including Defendant Lombardo's Motion
16 for Judgment on the Pleadings and the City of Las Vegas's Motion for Protective Order, and the
17 current stay of discovery regarding Defendant Joe Lombardo, an extension of discovery is
18 necessary. Furthermore, the Parties are making progress as they work through disagreements on
19 outstanding written discovery, and depending on the results of Liesl Freedman deposition,
20 additional discovery might be necessary. Plaintiff needs to receive pending written discovery, and
21 to have a reasonable amount of time after Liesl Freedman's December 28, 2023 deposition to
22 assess the evidence and analyze what may be needed moving forward. The Parties thus
23 respectfully request an extension of time to extend the discovery in this matter to enable to them
24 to conduct necessary discovery in this matter and so that this matter is fairly resolved on the
25 merits.
26

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III. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DEADLINES

Below are the current discovery deadlines.

	Current Deadline	Proposed New Deadline
Amend Pleadings and Add Parties	August 2, 2023	Past Due/Unchanged
Initial Expert Disclosures	September 1, 2023	Past Due/Unchanged
Rebuttal Expert Disclosures	October 2, 2023	Past Due/Unchanged
Discovery Cut-Off	December 29, 2023	February 28, 2023
Dispositive Motions	February 1, 2023	April 1, 2024
Pretrial Order	March 1, 2024	May 1, 2024 (If dispositive motions are filed, the deadline shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the Court.)

The Parties agree to the proposed deadlines above and agree that the extension is limited to conducting outstanding depositions and following up on written discovery already propounded by the parties.

Based on the foregoing stipulation and proposed deadlines plan, the Parties believe there is good cause to extend discovery and request that the Discovery Plan and Scheduling Order deadlines be extended consistent with this stipulation so that the parties may conduct the identified depositions and address outstanding issues with written discovery.

///

[SIGNATURES APPEAR ON FOLLOWING PAGE]

1 Dated this 26th day of December, 2023.

Dated this 26th day of December, 2023.

2 MARQUIS AURBACH

3
4 By: /s/ Stephen P. Stubbs
5 Stephen P. Stubbs, Esq.
6 Nevada Bar No. 10449
7 2388 Tilden Way
8 Henderson, Nevada 89074
9 Attorney for Plaintiff Kelly Patterson

By: /s/ Jackie V. Nichols
Craig R. Anderson, Esq.
Nevada Bar No. 6882
Jackie V. Nichols, Esq.
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10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendants Las Vegas
Metropolitan Police Department, Officer
S. Salazar and Joe Lombardo

10 Dated this 26th day of December, 2023.

11 CITY ATTORNEY'S OFFICE

12
13 By: /s/ Rebecca L. Wolfson
14 Jeffrey M. Dorocak, Esq.
15 City Attorney
16 Nevada Bar No. 13109
17 Rebecca L. Wolfson, Esq.
18 Deputy City Attorney
19 Nevada Bar No. 14132
495 South Main Street, Sixth Floor
Las Vegas, Nevada 89101
Attorneys for Defendant City of Las
Vegas

20 **ORDER**

21 The above Stipulation is hereby GRANTED.

22 IT IS SO ORDERED.

23 
24 United States District Court Magistrate Judge

25 DATED: 12/27/2023

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **[PROPOSED] STIPULATION AND ORDER TO EXTEND DISCOVERY PLAN AND SCHEDULING ORDER DEADLINES (THIRD REQUEST)** with the Clerk of the Court for the United States District Court by using the court's CM/ECF system on the 26th day of December, 2023. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Stephen P. Stubbs
Stephen P. Stubbs

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